

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
Bitterroot River Inn and Convention Center
139 Bitterroot Plaza Drive -- Hamilton, MT 59840

JUNE 25, 2009

Commission Members Present: Shane Colton, Chairman; Dan Vermillion, Vice-Chairman; Willie Doll; Ron Moody; Bob Ream.

Fish, Wildlife & Parks Staff Present: Director Joe Maurier and FWP Staff.

Guests: See June 25, 2009 Commission file folder for names of who signed in.

Topics of Discussion:

1. Call to Order - Pledge of Allegiance
2. Approval of Commission Meeting Minutes of May 14, 2009
3. Approval of Commission Conference Call Minutes of May 27, 2009
4. Approval of Commission Expenses through May, 2009
5. Commission Reports
6. FWP Reorganization Briefing
7. South Fork Flathead Harvest Limit Waiver – Final
8. Lease Visitor Center in Lolo - Final
9. Sterling Ranch Fishing Access Site Lease – Final
10. Clarks Fork of the Yellowstone Fishing Access Site Acquisition (Meinhardt) – Final
11. Bannack State Park Land Trade (Bielenberg) – Endorsement
12. Missoula Fishing Access Site Acquisition – Endorsement
13. Fishing Access Site Acquisition of BNSF Property near Logan – Endorsement
14. 2009 Mountain Lion Quotas – Final
15. 2009 Furbearer Quotas – Tentative
16. 2009 Bison Season / Quotas – Tentative
17. Swift Fox Translocation to the Ft. Peck Indian Reservation – Endorsement
18. 2010 Moose, Sheep, Goat, Deer and Elk License Auction Rules - Final
19. Beckman WMA Grazing Lease with the Roe Ranch along the Judith River – Final
20. Big Lake WMA Agricultural Lease – Final
21. Canyon Ferry WMA Renewal of Agricultural Leases (2009-2014) – Final
22. Scoping for 2010 and 2011 Season Setting – Informational
23. Open Microphone – Public Opportunity to Address Additional FWP Issues

1. **Opening - Pledge of Allegiance.** Chairman Colton called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

2. **Approval of May 14, 2009 Commission Meeting Minutes.**

Action: Vermillion moved and Ream seconded the motion to approve the May 14, 2009 minutes. Motion carried.

Mack Long, FWP Region 2 Supervisor, welcomed everyone to Region 2. He introduced Wayne Hedman and Jack Pfau from the Bitterroot Elk Working Group, and Tony Jones of Ravalli County Fish & Wildlife Association, who welcomed the Commission to the Bitterroot.

Chairman Colton thanked the Region for their generous hospitality, and thanked the sportsmen's groups for their warm welcome.

3. Approval of May 27, 2009 Commission Conference Call Minutes.

Action: Doll moved and Moody seconded the motion to approve the May 27, 2009 minutes. Motion carried.

4. Approval of the May, 2009 Commission Expense Report.

Action: Ream moved and Doll seconded the motion to approve the May expense report as presented. Motion carried.

5. Commission Reports. Commissioner Moody reported that he had traveled to Billings to attend the Powder River Basin Summit meeting sponsored by the Plains Resource Council. He also attended a lecture in Bozeman specific to wildlife diseases, particularly CWD, Brucellosis, and the Avian Flu.

Vermillion attended the Madison Valley Working Group, similar to the Bitterroot Working Group, where season structures are under consideration. He also attended a meeting at Mount Ellis Academy on restricted weapons.

Colton spoke to the Montana Stockgrowers Association at their meeting in Miles City. They are concerned about wolves and diseases. He also participated in a conference call regarding relocating swift fox.

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Colton thanked the Department for the dedication of Jeffrey's Landing Fishing Access Site on the Stillwater River to the memory of 14-year old Jeffrey Knudson who passed away as the result of a tragic accident. Jeffrey was an enthusiastic young fisherman who enjoyed sharing his passion for fishing with others.

**6. FWP Reorganization Briefing.** Director Maurier briefed the Commission on the recent reorganization of FWP. The intent of the restructuring is to making FWP stronger and more efficient. Positions of Deputy Director and Fish and Wildlife Administrator will soon be filled.

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Director Maurier announced that Chris Hunter, FWP Fisheries Division Administrator, has made the decision to retire from FWP. Today's Commission meeting is his last. Director Maurier spoke to the terrific job Hunter has done over the years, and thanked him for his hard work and dedication to the Department. A soirée will be held tomorrow evening in Hunter's honor. Hunter received a standing ovation from the audience and staff.

Chairman Colton thanked Hunter for his professionalism and dedication, and on behalf of the Commission, wished him the best in his retirement. He also noted that it is appropriate that Hunter's last meeting include the South Fork of the Flathead after all the controversy the Westslope Cutthroat Conservation Plan has raised over the last few years.

7. South Fork Flathead Harvest Limit Waiver – Final. Chris Hunter, FWP Fisheries Division Administrator, explained that the South Fork Flathead Cutthroat Conservation Plan was initiated to replace nonnative fish with pure westslope cutthroat in twenty-one lakes in the South Fork Flathead drainage to maintain genetic purity. Replacement involves either chemical treatment or genetic swamping. This project has been controversial.

In 2009, two lakes are scheduled for chemical treatment (Margaret, Clayton), and four other lakes are scheduled for genetic swamping (George, Woodward, Pyramid, Pilgrim). For lakes to be genetically swamped, the process is to remove as many nonnative and hybrid trout as possible before the stocked pure westslope cutthroat sexually mature. The public has asked for a limit waiver so they might maximize fish harvest before treatment. Removing limits will expedite genetic swamping. Although these lakes are remote, and angling is limited, the limit waivers would create public good will and support, and would enhance the goal of genetic purity.

Action: Ream moved and Doll seconded the motion to remove the daily and possession bag limits, effective immediately through Oct. 1, 2009, on Clayton, Margaret, George, Woodward, Pyramid, and Pilgrim lakes in the South Fork Flathead drainage, including within 100 yards of the lakes for inlet and outlet streams. Motion carried.

8. Lease Visitor Center in Lolo – Final. Chas VanGenderen, FWP Parks Division Administrator, explained that FWP proposes to enter into a two-year lease agreement, with the option to renew, for a 1.27 acre site in Lolo, adjacent to the Traveler's Rest State Park, with the purpose of improving management of Fort Owen State Park near Stevensville and Travelers' Rest State Park in Lolo. Both parks are historically significant and have very little presence of staff on a regular basis. FWP is also working with an adjacent landowner who has stocked Travelers' Rest with his own artifacts. The Travelers' Rest Preservation and Heritage Association can no longer fund day-to-day operations at the state park. The Environmental Assessment comment period generated nineteen comments, all in favor of the proposed lease.

Action: Ream moved and Doll seconded the motion to authorize the Department to enter into a lease with the owners for office space and a visitor center in Lolo for 2 years at \$20,500 per year.

Chairman Colton asked for public comment.

Loren Flynn, Executive Director of the Travelers Rest Preservation and Heritage Association, said they support this lease and have seen tremendous improvement because of the positive momentum of this project.

Action on Motion: Motion carried.

9. Sterling Ranch Fishing Access Site Lease – Final. Chas Van Genderen, FWP Parks Division Administrator, explained that FWP proposes to lease and develop two Fishing Access Sites on land owned by the Sterling Ranch Company. One site will be located on the east bank of the Missouri River, 1.4 miles upstream of Wolf Creek Bridge, and the second site will be located 1.4 miles upstream of the Craig Bridge. At this time, the owners do not wish to sell the land. The cost to lease the two sites is \$3,000/year with a term of five years plus a two-percent escalation factor each year.

The sites have been under a Private Land Fishing Access Agreement since 2004, due to expire in July. These two areas within the Sterling Ranch are receiving severe resource damage from vehicle traffic, no sanitation facilities, and no control of overnight camping. FWP will develop the two sites and manage them as fishing access sites. Sanitary facilities will be installed, and egress and ingress improvements will be made. The Environmental Assessment generated no negative comments.

Action: Vermillion moved and Moody seconded the motion to approve FWP's lease of the two sites for \$3,000 per year for five years with a two- percent escalation factor per year.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

10. Clarks Fork of the Yellowstone Fishing Access Site Acquisition (Meinhardt) – Final. Gary Hammond, FWP Region 5 Supervisor, stated that there has been great controversy with this issue. The proposed Clarks Fork of the Yellowstone Fishing Access Site encompasses about 172 acres along the Clarks Fork of the Yellowstone River south of Bridger. It includes about a mile of shoreline, the western edge has rimrocks abutting 40 acres of BLM land, and the southern portion includes a large riparian area.. There is easy access to the river from the property for boat launching. The property, which has been grazed or farmed for 30 years, provides habitat for deer, elk, turkeys, pheasants and waterfowl. There are very few weeds and two small buildings on-site. Restoration opportunities include wetlands on the south side of the property for waterfowl habitat and former croplands for pheasant habitat. The landowner offered the property to FWP for \$3,000 per acre, a price comparable to recent nearby sales and validated by appraisal.

A draft Environmental Assessment was prepared and circulated for 30 days, with legal notices published in the Billings Gazette, the Helena Independent Record, and the Carbon County News, and posted on FWP's website. More than fifty people attended a public meeting held in Bridger, and ten of them made comments. Forty-nine written comments were received. Thirty-eight people, organizations and agencies sent letters or emails in support, including the Magic City Fly Fishers and the Billings Rod and Gun Club. Two letters of support from a neighboring landowner and the BLM arrived after the published deadline but before the decision notice was written. Nine people submitted written, emailed or called-in comments opposing the acquisition and a petition with 146 signatures in opposition was also submitted. The decision notice addressed the most relevant issues.

The use of high-powered weapons was the most significant concern, therefore, weapons are restricted to shotguns only, with no shooting allowed outside the hunting seasons. Noxious weeds also presented a concern, so FWP met with Carbon County to develop a plan to address weed issues. As to the matter of property taxes, FWP pays taxes on fishing access sites. Campfires are only permitted in specified campsites or in steel rings. Precautions will be made to comply with recommended fire danger safety advisories. The county road on the north end is also being dealt with.

The Stream Access Law allows waterfowl hunting, which is out of FWP's jurisdiction, so perhaps signs could be erected on the edge of the river to caution hunters that there are residences behind the sign. Deer hunting will be limited to archery only.

Moody noted that this situation is similar to an area near Lewistown where the houses are up against Big Spring Creek and the main instrument of communication is a good signage system in the parking lot.

Action: Vermillion moved and Colton seconded the motion to approve the purchase of the proposed Clarks Fork of the Yellowstone Fishing Access Site.

Chairman Colton asked for public comment.

Charlie Johnston, Bridger, said the Good Neighbor Policy declares a goal of no impact on adjoining lands. He said over 250 citizens are against this purchase for a variety of reasons. There are conflicts now, before it is even bought, so it will escalate if purchased by FWP. Knowing that FWP is in violation of the Good Neighbor Policy, why would the Department go ahead and buy it? Twenty-four homes neighbor this property. He requested the Commission deny the purchase of this acquisition.

Mary Moser, Bridger wanted to know if the parking lot would be built right next to her house. This would be in violation of the Good Neighbor Policy. Safety is of concern to her. The close proximity of homes would be unsafe for firearms. She has horses, and kids riding the horses. She said Chas VanGenderen told her it would not be safe for riding horses, but yet he agrees with allowing firearms in the fishing access site.

Ms. Moser's daughter (young girl) stated that she could not ride her horses safely in their own pasture, and there is the fear of a horse being shot in it's own pasture.

Mary Sink, Bridger, said Bridger is a farming community and she is speaking for many of the folks who could not attend the meeting. She wanted to know if their water rights will be honored if FWP purchases this property. She has had conversations with FWP staff who have said they would show the residents better management practices. She asked, if there is to be no impact as claimed, why the farms would need to be shown anything. They do not want the water changed because of this fishing access site. The water flow can get down to nearly nothing, so how can this be a good fishing access site? Why buy it when there is no water in the summer? She is concerned about firearms near her home. Her husband suffers from PTSD and shooting affects him terribly. They do not want this access site in Bridger.

Hammond stated that FWP would not be lecturing farmers – he does not know where that statement came from. FWP wants to be a good neighbor. There are 45 acres that needs to be farmed to develop dense nesting cover and food plots. He agreed it is not the best fishery, but right now is good. The fish have learned where to go, and Wyoming stocks fish upstream. There is a demand for people to walk dogs, etc. so this property would address this. He added that signage would not direct people down the public road. He said the Meinhardt's have allowed access.

Bob Lane, FWP Legal Counsel, pointed out the goal of the Good Neighbor Policy is no impact, but there is no way to achieve absolute no impact, it will always be limited impact.

Colton asked if FWP's intention is to take more than their share of water. Hammond replied absolutely not.

Lane said water rights are property rights, as are ditches. People are protected by their property rights. FWP has made a policy to honor water rights of others.

Charlie Johnson said Meinhardt did allow rifle hunting until one bullet created an incident. He only allowed limited people on the property - it was not just wide open to the public. There are only a few turkeys there, so if this is opened to the public, they will be gone.

Doll asked if it is possible to purchase this property and not allow hunting at all. It is a small piece of property so would not harbor many animals.

Hammond said that based on the successful history, hunting should be allowed. FWP has management control, so changes can be made if situations arise. Presently, FWP has fifty fishing access sites with homes around them.

Doll questioned what the comment period is for if 200 people are against this proposal, and only 30 are in favor. Isn't that what the comment period is about?

Colton said if the Commission finds themselves in the position of making decisions based on petitions, they are derelict in their duty as Commissioners. He said petitions are unreliable. He said the wording of this petition is not good.

Ream noted that some of the opponents are not concerned about the acquisition, but they are concerned about the hunting and firearms. He added that the Stream Access law allows hunting, and the Bridge Access law allows hunting up to the high water mark.

Johnston said public safety is first and foremost. He added that his attorney said a petition is an effective tool. It isn't feasible for 172 people to travel to a Commission meeting or to sit down and write a letter. The price the taxpayers pay is also a concern. It is a waste of money for limited fishing, and the wildlife will be ran out in one season.

Hammond said the funding comes from Access Montana funds, so is public taxpayers money and not sportsmen's dollars.

Moody said the Commission cannot advise the public on what form of comment they should use, it is their right to choose whatever means they wish to. The Commission has an obligation to look at the greater good of the people of Montana.

Colton said the Commission cannot prohibit hunting on this property because of the Stream Access Law and the Bridge Access law, so any other types of recreation will have to be done outside the hunting seasons as they are secondary to hunting.

Action on Motion: Motion carried. Four in favor – one opposed (Doll opposed).

11. Bannack State Park Land Trade (Bielenberg) – Endorsement. Chas Van Genderen, FWP Parks Division Administrator, explained that Marc Bielenberg and his daughter, Claudia Bielenberg, have offered to exchange approximately eleven acres they own at the west entrance to Bannack State Park for two mining claims that FWP owns on the east end of the park. The FWP-owned mining claims, which total about 51 acres, are not visible from the majority of the park. The Bielenberg property, located at the park entrance, would be an important addition for long-range plans, such as for the possible site of a new visitor center. Upon preliminary Commission endorsement, FWP will begin the environmental assessment process, which will provide a thirty-day comment period.

Action: Doll moved and Vermillion seconded the motion to authorize FWP to pursue the land trade with the Bielenbergs at Bannack State Park. Motion carried.

12. Missoula Fishing Access Site Acquisition – Endorsement. Chas Van Genderen, FWP Parks Division Administrator, explained that the City of Missoula is in the process of acquiring 14 acres near the center of the city, for recreational purposes. The north end of the property is essentially the Clark Fork River, and provides the opportunity to develop a public boat launch and parking lot. Access to the Clark Fork River in the Missoula area is very limited.

This site, Silver Park, can be purchased for \$662,500 from a developer who is currently developing a residential/commercial site on adjoining acreage, however the City of Missoula does not have enough funding to purchase the property and develop improvements too. FWP proposes to purchase approximately two acres for \$95,000 using Access Montana funding, then would lease the two acres to the city for a 30-year period, or in perpetuity, at little or no cost. Missoula Parks and Recreation would be responsible for all operations, maintenance, and management of the site, and Missoula Redevelopment Agency would be responsible for funding the development of the boat launch, parking lot and all other aspects of the project. With the removal of the Milltown Dam, it is anticipated that the number of rafters, boaters and tubers floating through or into Missoula will increase significantly. Adding a river access site at Silver Park will reduce pressure at existing downstream access sites.

Action: Ream moved and Moody seconded the motion to authorize FWP to proceed with the necessary steps in purchasing approximately two acres of the Silver Park property for \$95,000, then subsequently leasing it to the city at little or no cost, to help provide public access to the Clark Fork River in the Missoula area. Motion carried.

13. Fishing Access Site Acquisition of BNSF Property near Logan – Endorsement. Chas Van Genderen, FWP Parks Division Administrator, explained that this 10-acre site is immediately adjacent to the town site of Logan along the Gallatin River. The property is owned by BNSF but is under the management of Montana Rail Link, who has the option of selling the property. Montana Rail Link contacted FWP expressing their interest in selling the property to FWP for use as a fishing access site. The closest public access sites are approximately eight river miles upstream and approximately five river miles downstream. The public is currently using a bridge right-of-way one-half mile downstream from this site, but it is steep and narrow and difficult to use. Upon approval to proceed, FWP will begin the Environmental Assessment process, which includes a public comment period.

Action: Vermillion moved and Colton seconded the motion to authorize the Department to pursue acquisition of the BNSF Logan property. Motion carried.

14. 2009 Mountain Lion Quotas – Final. Quentin Kujala, FWP Wildlife Management Bureau Chief, presented the proposals. Tentative harvest quotas for mountain lion were adopted in April. There are no proposed changes to the tentatives in Regions 1, 3, 4, 5, and 7. There are 7 proposed changes to the tentatives in Region 2, and 2 proposed changes in Region 6. All other quotas/subquotas are unchanged from the 2008 quotas.

HD 204/260/261 – increase limited licenses from 8 to 10, decrease female subquota from 1 to 0

HD 240 – increase limited licenses from 8 to 10, increase female subquota from 0 to 1

HD 250 – increase limited licenses from 8 to 10, decrease female subquota from 2 to 1

HD 270 – increase limited licenses from 8 to 10, increase female subquota from 0 to 1

HD 280/281/284/293 – increase limited licenses from 5 to 6, decrease female subquota from 2 to 1

HD 283/285 – increase limited licenses from 7 to 8, decrease female subquota from 3 to 2

HD 290/291/292/298 – increase limited licenses from 7 to 8, decrease female subquota from 2 to 1

Region 6 except HD 680/690 – decrease quota from 6 to 4, implement female subquota of 1

HD 680/690 – decrease quota from 10 to 8, decrease female subquota from 3 to 2

Action: Vermillion moved and Colton seconded the motion to approve the final 2009 Mountain Lion Quotas in Regions 1,3, 4, 5 and 7as recommended by the Department. Motion carried.

Action: Ream moved and Colton seconded the motion to approve the final 2009 Mountain Lion Quotas in Region 2 as recommended by the Department.

Moody questioned the word “perceived” and “believed” in the justification. What does the scientific data indicate?

Kujala replied that lions do not afford the ability to survey them as elk do. It is the preponderance of evidence, and public perception by houndsmen and livestock owners that provides population information.

Ream said he is concerned about the female segment of lions, and is pleased some of the female subquotas were reduced. He feels the permit system is a good tool.

Chairman Colton asked for public comment on the Region 2 changes to the tentatives.

Cal Ruarke, Bitterroot Valley Houndsmen’s Association, has spent the last ten years trying to help bring back the lion population. He feels the hunter comments have helped bring the numbers back as well as FWP. He sees that the quotas have once against increased. There have only been three families of lions observed, and he has never heard FWP ask about that. The Commission and the FWP biologists have taken a big step, and what has been done will come back to haunt us. There is a big wolf issue in the Bitterroot that will impact the lions.

Wendy Keefover-Ring, Wild Earth Guardians, said she has an issue with making decisions on anecdotal data. Scientific study is what they should be based on. She urged a cautious approach with increasing quotas. The development of a Mountain Lion Management Plan is beneficial and necessary. Hunter education offered on-line is good.

Steve Kinley, Ravalli County Fish & Wildlife, said there is not a lion population issue. Not all permits will be filled. He agrees with a quota of 10, and wants females included.

Tony Jones, Ravalli County Fish & Wildlife, supports the increases, except they want to keep the female subquota.

Linda Hobeck said that she supports the proposal, including harvesting females.

Fred Upchurch, Ravalli County Fish & Wildlife, supports the changes.

Action on Motion: Motion carried.

Action: Doll moved and Colton seconded the motion to return to the 2008 season regulations outside 680/690, which is for 3 legal lions.

Moody said the implementation of a female subquota is a positive step for this district. He supports the quota proposal as it is today.

Vermillion said he also agrees with the Department's recommendation.

Chairman Colton asked for public comment.

Ream asked if there has been any progress in Region 6 working together with the tribe in determining quotas.

Tim Vosburgh, Chippewa Cree Tribe, said the lions taken off the reservation are not included in the quota system. Perhaps an MOU could be drawn up to make a single population of lions. There are usually one to two cats taken off the tribal lands.

Action on Motion: Motion failed.

Action: Moody moved and Ream seconded the motion to approve the final 2009 Region 6 Mountain Lion except HD 680/690 decrease quota from 6 to 4, implement female subquota of 1 as recommended by the Department. Motion carried. Three in favor -two opposed. (Colton and Doll opposed).

Action: Vermillion moved and Moody seconded the motion to approve HD 680/690 – decrease quota from 10 to 8, decrease female subquota from 3 to 2 - as proposed.

Chairman Colton asked for public comment.

Tim Vosburgh, Chippewa Cree Tribe, said he is opposed to this motion – the female subquota of 2 is ok, but distribution of hunting needs to be explored. The tribe needs to be consulted when quotas are changed. The quotas are high with a liberal quota in the Bearpaws.

Leland Top Sky, Rocky boy Fish & Game, said the harvest quota is too high. They used to allow non-members to hunt lions, but they have quit doing that because of the high quota off the reservation.

Vosburgh said they will not be hunting cats for the next few years because of the high take last year. There were cats caught in traps, and by an outfitter, and some were shot. The outfitter took 2, and 1 was taken by a houndsman who had the tag for three years.

Vermillion stated that a lot more work needs to be done in tandem with the tribes.

Ream said structural changes need to be made, including establishing a permit system rather than a quota system. If one outfitter took most of the lions, that does not allow sportsmen many opportunities. He likes the permit system, it provides a better handle on harvest. The Department needs to work more closely with the tribes.

Action on Motion: Motion carried.

15. 2009 Furbearer Quotas – Tentative. Quentin Kujala, FWP Wildlife Management Bureau Chief, presented the proposals. Proposed changes to the 2008 furbearer quotas are as listed below.

- TD 2 bobcat quota decrease from 180 to 100
- TD 3 bobcat quota decrease from 325 to 200
- TD 1 and 2 fisher quotas remain at 2 and 5 respectively, but recommend setting a total quota of 7 fisher, which could trigger a season closure prior to either district meeting the specific TD quota. Propose establishing a statewide female subquota of two females. All fisher trapping would close upon reaching this female subquota.

Action: Vermillion moved and Doll seconded the motion to approve the 2009 Tentative Furbearer quotas as recommended by the Department.

Chairman Colton asked for public comment.

Tom Barnes, Montana Trapper Association, said the bobcat population is in a downward trend as is the rabbit population. Predation is also a factor. MTA supports the reduction in quotas.

Tom Barnes passed on information on behalf of Monte Schnurr from Townsend who opposes the decrease in quotas. Schnurr wants the quota left at 325.

David Guillard, Defenders of Wildlife, opposes trapping when it affects rare species – in this case wolverines and fishers. It is unknown how many there are – the data is indefinite. There is no link between Montana fishers and Canadian fishers. In addition to trapping, these animals are under threat by climate changes, developments, etc. Only a handful of trappers would be affected by a total closure of trapping.

Don Bothwell, Montana Furbearer Conservation Alliance, said they support the tentatives in general, but limited fisher and wolverine season is critical.

Rick Hawk, Montana Furbearer Conservation Alliance, supports what Bothwell said. They are pro-furbearer.

Dennie Schutz, Montana Trappers Association, supports the recommendations of reductions. He said he supports and trusts the Department.

Bill Boehme, Montana Trappers Association, said trapping of wolverine and fisher must be continued to gain information.

Mike Dey, Montana Trappers Association, said heavy snow is the cause of kitten mortality.

Paul Fielder, Montana Trappers Association, feels trapping is a wildlife management tool.

Eugene Haraseth asked to introduce wolves to trapping.

Action on Motion: Motion carried.

16. 2009 Bison Season / Quotas – Tentative. Quentin Kujala, FWP Wildlife Management Bureau Chief, stated there are no proposed changes to the 2008 season structure or quotas.

Action: Vermillion moved and Moody seconded the motion to approve the tentative 2009 Bison regulations and quotas as proposed by FWP.

Chairman Colton asked for public comment.

Joe Harrison, Confederated Salish and Kootenai tribal lawyer said they agree on hunting practices and the integrity of the herd. Treaty rights to hunt are sacred to the tribes. Even though the tribal elders will never go to Yellowstone to hunt, it is still sacred to them.

Action on Motion: Motion carried.

17. Swift Fox Translocation to the Ft. Peck Indian Reservation – Endorsement. Quentin Kujala, FWP Wildlife Management Bureau Chief, explained that this proposal is for the translocation of up to 30 swift fox from north central Montana to the Fort Peck Indian Reservation. In September 2004, the Fort Peck Reservation approached FWP with their proposal to establish a swift fox population on the reservation. FWP suggested translocating swift fox from the core north-central Montana population to the adjacent Ft. Peck Reservation. In April of 2006, the Commission endorsed the translocation, and that August ten swift fox were provided to the reservation. As of the spring of 2009, three swift fox were being monitored within the boundaries of the reservation, including one from the original release. The tribe has documented reproduction in both years since the translocation. The Reservation is requesting a second translocation of swift fox in 2009 for population augmentation and monitoring after securing another Tribal Wildlife Grant.

Action: Doll moved and Moody seconded the motion to approve that FWP coordinate the translocation of up to 30 swift fox from north central Montana to the Fort Peck Indian Reservation as proposed by FWP.

Chairman Colton asked for public comment.

Les Bighorn, Fort Peck Tribal Fish & Game, said they plan to use local trappers who know where the swift fox are, and capture them with live traps.

Action on Motion: Motion carried.

18. 2010 Moose, Sheep, Goat, Deer and Elk License Auction Rules – Final. Quentin Kujala, FWP Wildlife Management Bureau Chief, said there are no proposed changes to the tentatives. Two public comments were received throughout the public comment period. One comment spoke against the auction concept and the other (erroneously) spoke to limited permits. This limited comment is consistent with the minimal input received in the past.

Action: Vermillion moved and Moody seconded the motion to adopt the Final 2010 auction/lottery rules for the moose, sheep, goat, mule deer and elk licenses as proposed by the Department. Motion carried.

19. Beckman WMA Grazing Lease with the Roe Ranch along the Judith River – Final. Ken McDonald, FWP Wildlife Division Administrator, explained that Leroy Beckman died in 1997 and bequeathed his estate to FWP to be managed for deer and public hunting. The property is now the 6,568-acre Beckman Wildlife Management Area located on the Judith River near Denton. In April of 2006 the Commission gave approval to FWP to pursue a habitat grazing system on the Beckman WMA and the adjacent Roe Ranch. The proposal called for the construction of a 12-pasture rest-rotation grazing system, incorporating the 2,695-acre Roe Ranch

with 4,921 acres of the Beckman WMA, to improve and enhance wildlife habitat on 7,616 acres. All of the necessary and proposed construction and improvements required for implementation of the Beckman WMA – Roe Ranch Habitat and Grazing System Plan have now been completed. FWP is now requesting final approval to implement the 6-year rest-rotation grazing lease with the Roe Ranch. The entire area (Roe Ranch and Beckman WMA) will be open to public hunting exactly as occurs on the Beckman WMA. The Environmental Assessment generated one comment, which was in support of the proposal.

Action: Vermillion moved and Colton seconded the motion to approve the Roe Ranch grazing lease on the Beckman WMA for the years 2009 through 2014. Motion carried.

20. Big Lake WMA Agricultural Lease – Final. Ken McDonald, FWP Wildlife Division Administrator, explained that FWP proposes to implement a 10-year agricultural lease on a small portion of Big Lake Wildlife Management Area. Big Lake WMA is located approximately 17 miles north of Columbus in Stillwater County. The lease would formalize a reciprocal agreement with a local rancher for mowing services of an access road used by FWP and the public to decrease fire fuels and the potential for wild fires within the WMA. In exchange for mowing the access road once annually, the rancher will be allowed to cut and bale up to 10 acres of hay annually on the WMA. Haying small portions of these dense nesting cover patches will help to maintain their productivity and increase a diverse cover age structure benefiting upland birds and other wildlife. The rancher is required to remove all baled hay from the WMA by August 31 to prevent conflicts with upland bird hunters. Both the mowing and haying will occur between July 15 and August 31.

Action: Colton moved and Doll seconded the motion to approve this Big lake WMA agricultural lease agreement. Motion carried.

21. Canyon Ferry WMA Renewal of Agricultural Leases (2009-2014) – Final. The Canyon Ferry Wildlife Management Area is administered by FWP under a cooperative operation and maintenance agreement with the Bureau of Reclamation. Ken McDonald, FWP Wildlife Division Administrator, explained that this proposal is for the renewal of existing agricultural leases on the WMA, which are designed to produce agricultural crops and provide important wildlife habitat. Adjacent croplands have been developed for wildlife cover and food, shelterbelts and nesting cover. There are six leases, which are solely hay and grain leases and one bee yard on the WMA. There are a total of 757 acres contained in the six leases of which, 638.9 acres are actually farmed by the lessees, 148.1 acres on these leases have been developed as wildlife cover, and 33.6 acres are set-aside grain left standing for wildlife, primarily upland birds. These leases have been in place for many years and have been well managed. They are all cash leases with lease rates detailed in each agreement. Leases are written for a 5-year period, in this case the period would be 2009-2014, with an annual payment of \$11,354.26 to FWP for the seven leases.

Action: Ream moved and Doll seconded the motion to approve the agricultural leases on the Canyon Ferry WMA for the period 2009-2014. Motion carried.

22. Scoping for 2010 and 2011 Season Setting – Informational. Ken McDonald, FWP Wildlife Division Administrator, stated that the public is perceiving that the Department does not provide sufficient public participation in the decision making process, and feels decisions are made prior to soliciting comments. Even though public comment is taken at December Commission meetings when the tentative proposals are brought forward, is taken during a 30-day comment period which includes 40 statewide public meetings and open houses, is taken in February when final decisions are made, and is taken throughout the year when staff engages with the public, FWP is criticized for not providing enough opportunity for comments. So, to address this, FWP has inserted an additional scoping process into the 2010 – 2011 season-setting process that will take place during the summer and early fall prior to the December meeting. This scoping process will include two additional Commission presentations in June and October, more public comment opportunities, and one more open house in each administrative region. The intent of this adjusted season-setting process is to expand Commission and public opportunities that will provide additional insights into the many views and opinions in an attempt to satisfy public concerns.

Moody recommended including the tribes in this process too.

Colton said it is important to remember that the Department and the Commission have done a good job on the decision making process. There can be massive changes and adjustments between the tentative and final decisions. The system is not broken.

23. Open Microphone – Public Opportunity to Address Additional FWP Issues.

Moody said he would like to see Mountain Lion on-line education before this season starts.

Colton stated that with the Tongue River Railroad easement on the July meeting agenda, it would be prudent for the Commissioners to familiarize themselves with the matter. He advised touring the Miles City Hatchery if possible.

Tom Barnes, MTA, invited the Commission to their annual rendezvous in September.

Dale Burke, Stevensville, thanked the commission for coming to Hamilton. He thanked Bob Lane for the Mitchel Slough decision. He asked the Commission to consider that the guiding principle model has been broken, that he must insist on the North American Model. He said the slamonfly hatch on the Bighole River is a shadow of its former self. Spraying weeds along the banks is part of the problem.

Ed Wolf suggested thinking about the possibility of holding Commission meetings on Saturdays. He proposed that if someone applies for a moose, sheep, or goat tag for twenty years and never gets one, and is over 65, he/she should just get one.

Colton said that would be difficult, and there would be a lot of people who qualified. Kujala stated that he doesn't know how far back that information could be gathered.

Reuben Mathias, Confederated Salish & Kootenai, thanked the Commission, and welcomed them to their community at any time.

Action: Vermillion moved and Moody seconded the motion to adjourn the meeting. Motion carried.

Meeting adjourned at 2:40 p.m.

Shane Colton, Chairman

Joe Maurier, Director